

TAMZEN WOOD MACBETH, 10-30-08

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.) 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)
Defendants.)

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THE DEPOSITION OF TAMZEN WOOD MACBETH,
produced as a witness on behalf of the Defendants in
the above styled and numbered cause, taken on the 30th
day of October, 2008, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Marlene Percefull,
a Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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1 A No. 10:31AM

2 Q So -- and the reason I ask that is because you may
3 or may now know that Dr. Olsen in this case is
4 sponsoring a principal component analysis, which
5 includes a number of different components, metals and 10:31AM
6 chemicals and such?

7 A Right.

8 Q Am I correct that you had no involvement in that?

9 A That's correct.

10 Q What does the term fate and transport mean to you 10:31AM
11 in the microbiology context?

12 A It generally means, in our world, you know,
13 what -- whatever your particular microbe of interest
14 is, where that microbe is growing, what that microbe
15 does in the environment, how that microbe is 10:32AM
16 transported in the environment, generally.

17 Q Does it also include what factors lead to its
18 death?

19 A Sure.

20 Q Okay. That would be the fate part? 10:32AM

21 A Uh-huh.

22 Q Okay. Did you conduct any fate -- any study of
23 the fate and transport characteristics of any bacteria
24 for this project?

25 A No. 10:32AM

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1 data in this context, so I should be clear about that. 10:33AM

2 Q Uh-huh.

3 A We use these data on our other projects and for
4 our other targets to look at fate and transport with
5 these DNA techniques, but has not -- what we do has not 10:34AM
6 been applied to this project.

7 Q I think I lost you in the middle there somewhere.
8 When you talk about other projects, do you mean
9 projects other than the chicken farm project?

10 A Uh-huh. 10:34AM

11 Q Within the context of this project, are you aware
12 of anyone studying how the organism that carries the
13 biomarker sequence, how it moves in the environment?

14 A Jody and Roger are evaluating where we are seeing
15 the presence of the marker in the environment. 10:34AM

16 Q And tell me how they're doing that.

17 A The only thing that I've seen is some spatial maps
18 and some correlations with E. coli and enterococcus.
19 I'm not involved in the particular analysis that
20 they're doing. 10:35AM

21 Q Okay. So if you take a sample of point A and you
22 find the biomarker, and you take a sample of point B
23 and you find the biomarker, are you aware of anyone
24 conducting any study to tell how -- you know, say the
25 Brevibacteria that carries the biomarker got from point 10:35AM

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1 A to point B or if it got from point A to point B? 10:35AM

2 A I'm not aware of any.

3 Q Okay. Thank you.

4 MR. TODD: Let me have you mark this as
5 Exhibit 1. Where are we on time? 10:35AM

6 MR. BULLOCK: Did you get an answer to
7 your question?

8 THE VIDEOGRAPHER: Ten minutes.

9 Q Dr. Macbeth, I've handed you what's been marked as
10 Exhibit 1. Do you recognize this document? 10:36AM

11 A Yes.

12 Q What is this document?

13 A This is the detailed report that we provided on
14 the -- on an overview of the development of the
15 biomarker. 10:36AM

16 Q Okay. This report is dated December 2007. There
17 were various drafts in the materials that were
18 provided.

19 A Yes.

20 Q But this seemed to be the latest one. Do you know 10:36AM
21 for certain whether the December 2007 version of this
22 report is the final version?

23 A I believe it is, yes.

24 Q Are you familiar with this report?

25 A Yes. 10:37AM